IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 362 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT ELECTRICITY BOARD

Versus

SIGIL INDIA SERVICES PVT LTD.

Appearance:

1. Appeal from Order No. 362 of 1997

MR MD PANDYA for Petitioners No. 1-3

MR AR MAJMUDAR for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 23/10/2001

ORAL JUDGEMENT

The appellants are the original defendants have challenged in this appeal the impugned order dated

9.5.1997 passed by the learned 6th Joint Civil Judge, Vadodara below Ex.5 in Special Civil Suit No.938/96 whereby the learned Judge allowed the application Ex.5 filed by the respondent-plaintiff and restrained the appellant-defendant from disconnecting its electricity connection and they were further restrained from implementing bill issued in March, 1994 for sum of Rs.4,88,676.72 with other directions. This appeal was straightaway admitted on 31.11.1997. Along with this appeal Civil Application No.6787 of 1997 was filed, but after hearing the learned counsel for the parties interim relief was refused on 13.11.1997 by the learned Single Judge of this court.

Considering the peculiar facts and circumstances of the case and Civil Application for interim relief rejected by this court on 13.11.97 learned counsel Shri Mayur Pandya for appellants submitted that the appellants are suffering huge loss of revenue and if the suit filed before the trial court is not decided expeditiously then they will suffer more, therefore, he requested that the trial court be directed to decide the main Civil Suit No.938 of 1996 as early as possible with a direction to the parties to fully cooperate with the final disposal of the suit and interim relief granted earlier in favour of respondent plaintiff by the trial court may continue till then. This could not have been objected to by learned counsel Shri Majmudar for respondent.

In view of the above, this appeal is disposed of with the direction to the Trial Court to decide the main Civil Suit No.938 of 1996 as early as possible and not later than 31.4.2002. Parties shall fully cooperate with the final disposal of the suit. Interim relief granted earlier by the trial court in favour of the respondent-plaintiff shall continue till then. Civil Application is disposed of as the main Appeal from Order is disposed of.

(B.J.Shethna, J.)

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